

APPROVED: Meeting No. 27-91

ATTEST: *Sharon A. Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 24-91

June 3, 1991

The Mayor and Council of Rockville, Maryland, convened in Worksession in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on June 3, 1991, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Viola D. Hovsepan

Councilmember James T. Marrinan

ABSENT

Councilmember David Robbins (Sick Leave)

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran, Assistant City Attorney Sondra Block and Chief of Police Terrance Treschuk.

Re: Worksession - Review of Ordinance to comprehensively revise the provisions in the Rockville City Code relating to the control and maintenance of animals within the City by repealing in its entirety the existing Chapter 3, entitled "Animals" and enacting a new Chapter 3, entitled "Animals," regulating the keeping, control and maintenance of animals within the City, including but not limited to establishing duties and responsibilities of owners of animals, prohibiting cruelty, providing for impoundment for rabies control, prohibiting dangerous animals within the City, regulating potentially dangerous animals, providing for the enforcement of

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said requirements and provisions and establishing penalties for violations thereof.

Citizen Review Committee Chairperson, Dr. David Dzanis, and Members Cora Alter, Amy Vachon, Kathryn Vengazo and Dorothy Perreca discussed the following changes to the proposed ordinance with the Mayor and Council:

1. Animal nuisance has been amended to clarify that it is the particular action or behavior that is the animal nuisance and not the owning of the animal.

2. An "animal-at-large" with permission is not an animal nuisance. A new section has been added to provide for the testing of animals and individuals to demonstrate that the animal can be controlled without the use of a leash.

Although the committee recommends an alternative to the leash provisions for all animals, the problem of identifying "under control" was referenced. Discussion followed regarding Mrs. Alter's suggestions for "off-leash" control, that is, any dog who has earned the CD or CDX rating from the American Kennel Club shall, prima facie, be granted a permit to be off-leash. Any owner may apply for a test of obedience for the handler and the dog to be granted a permit to be off-leash. A special collar/tag would be issued with the permit; there would be a fee for the permit and the privilege of off-leash would be revocable in cases of abuse.

With respect to testing costs, it was discussed that the testing could be contracted out and the fee set at an amount which would cover the costs.

As to whether the committee recommends an open area for all animals to roam without a leash, Dr. Dzanis indicated that the consensus of the committee is that this would only result in "concentrated chaos."

It was agreed that Mrs. Alter's suggestion regarding the CD or CDX rating would be added to Section 3-23 of the ordinance.

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3. The terms "defecate" and "urinate" have been eliminated from subsection (j) of Section 3-23 in order to make clear that it is the obligation of an animal owner to clean up animal waste and that any activity of an animal that would damage, soil or defile property other than that of the owner is a violation of this chapter. This should satisfy the need to cover both the homeowners who complain and the animals that continually violate the regulations.

4. A new subsection (c) has been added to the definition of dangerous animal to provide that an animal is dangerous if it has been declared as such by any jurisdiction pursuant to definitions and standards of dangerous that are substantially similar to those set forth in the City's ordinance. This would allow a license to be issued if the dog owner could demonstrate that the dog was declared to be dangerous in another jurisdiction under terms and definitions that were different than those used by the City.

Some clarifying changes to the proposed ordinance were also discussed. It was agreed that staff would make recommendations for fees at a later time and that the ordinance would be introduced on June 10 and adopted on June 24. Staff will discuss an effective date (subsequent to completion of the animal census to be conducted this summer) to ensure adequate notification to residents.

Re: Executive Session

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Mayor and Council convened in Executive Session at 8:40 p.m., pursuant to Section 10-508(a)(1)(i) and (ii) of the State Government Article of the Annotated Code of Maryland, to discuss personnel matters.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 10:45 p.m., to convene again in Worksession at 7:30 p.m. on June 4, 1991, or at the call of the Mayor.